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CALIFORNIA LAWS

PAMPHLETS

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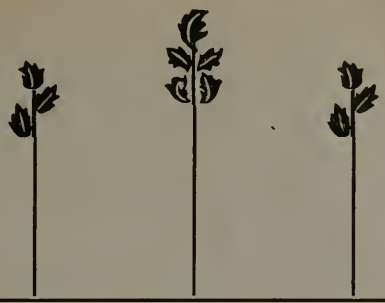

NATIONAL AND CALIFORNIA FOOD AND DRUG LAWS

COMPLIMENTS OF

LANGLEY & MICHAELS COMPANY

SAN FRANCISCO, CAL.

National and California Food and Drug Laws

COMPLIMENTS OF

LANGLEY & MICHAELS CO.

SAN FRANCISCO, CAL.

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In case of drugs:

First. If, when a drug is sold under or by a name recognized in the United States Pharmacopoeia or National Formulary, it differs from the standard of strength, quality, or purity, as determined by the test laid down in the United States Phamacopoeia or National Formulary official at the time of investigation: Provided, That no drug defined in the United States Pharmacopoeia or National Formulary shall be deemed to be adulterated under this provision if the standard of strength, quality or purity be plainly stated upon the bottle, box, or other container thereof although the standard may differ from that determined by the test laid down in the United States Pharmacopoeia or National Formulary.

Second. If its strength or purity fall below the professed standard or quality under which it is sold.

In the case of confectionery:

If it contain terra alba, barytes, talc, chrome yellow, or other mineral substance or poisonous color or flavor, or other ingredient deleterious or detrimental to health, or any vinous, malt, or spirituous liquor or compound or narcotic drug.

In the case of food:

First. If any substance has been mixed or packed with it so as to reduce or lower or injuriously affect its quality or strength.

Second. If any substance has been substituted wholly or in part for the article.

Third. If any valuable constituent of the article has been wholly or in part abstracted.

Fourth. If it be mixed, colored, powdered, coated, or stained in a manner whereby damage or inferiority is concealed

Sixth. If it consists in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter.

Sec. 8. That the term "misbranded," as used herein, shall apply to all drugs or articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement, design, or device regarding such article, or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any food or drug product which is falsely branded as to the State, Territory, or country in which it is manufactured or produced.

That for the purposes of this Act an article shall also be deemed to be misbranded:

In case of drugs:

First. If it be an imitation of or offered for sale under the name of another article.

Second. If the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package, or if the package fail to bear a statement on the label of the quantity or proportion of any alcohol, morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, canabis indica, chloral hydrate, or acetanilide, or any derivative or preparation of any such substances contained therein.

In the case of food:

First: If it be an imitation of or offered for sale under the distinctive name of another article.

Second. If it be labeled or branded so as to deceive or mislead the purchaser, or purport to be a foreign product when not so, or if the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package, or if it fail to bear a statement on the label of the quantity or proportion of any morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acentanilide, or any derivative or preparation of any of such substances contained therein.

Third. If in package form, and the contents are stated in terms of weight or measure, they are not plainly and correctly stated on the outside of the package.

Fourth. If the package containing it or its label shall bear any statement, design or device regarding the ingredients or the substances contained therein, which statement, design, or device shall be false or misleading in any particular: **Provided,** That an article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded in the following cases:

package in which it is offered for sale: Provided, That the term blend as used herein shall be construed to mean a mixture of like substances, not excluding harmless coloring or flavoring ingredients used for the purpose of coloring and flavoring only: **And provided further,** That nothing in this Act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods which contain no unwholesome added ingredient to disclose their trade formulas, except in so far the provisions of this Act may require to secure freedom from adulteration or misbranding.

Sec. 9. That no dealer shall be prosecuted under the provisions of this Act when he can establish a guaranty signed by the wholesaler, jobber, manufacturer, or other party residing in the United States, from whom he purchases such articles, to the effect that the same is not adulterated or misbranded within the meaning of this Act, designating it. Said guaranty, to afford pro-

tection, shall contain the name and address of the party or parties making the sale of such articles to such dealer, and in such case said party or parties shall be amenable to the prosecutions, fines, and other penalties which would attach, in due course, to the dealer under the provisions of this Act.

Sec. 10. That any article of food, drug or liquor that is adulterated or misbranded within the meaning of this Act, and is being transported from one State, Territory, District, or insular possession to another for sale, or, having been transported, remains unloaded, unsold, or in original unbroken backages, or if it be sold or offered for sale in the District of Columbia or the Territories, or insular possessions of the United States, or if it be imported from a foreign country for sale, or if it is intended for export to a foreign country, shall be liable to be proceeded against in any district court of the United States within the district where the same is found, and seized for confiscation by a process of libel for condemnation. And if such article is condemned as being adulterated or misbranded, or of a poisonous or deleterious character, within the meaning of this Act, the same shall be disposed of by destruction or sale, as the said court may direct, and the proceeds thereof, if sold, less the legal costs and charges, shall be paid into the Treasury of the United States, but such goods shall not be sold in any jurisdiction contrary to the provisions of this Act or the laws of that jurisdiction: **Provided, however,** That upon the payment of the costs of such libel proceedings and the execution and delivery of a good and sufficient bond to the effect that such articles shall not be sold or otherwise disposed of contrary to the provisions of this Act, or the laws of any State, Territory, District, or insular possession, the court may by order direct that such articles be delivered to the owner thereof. The proceedings of such libel cases shall conform, as near as may be, to the proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in any such case, and all such proceedings shall be at the suit of and in the name of the United States.

Sec. 11. The Secretary of the Treasury shall deliver to the Secretary of Agriculture, upon his request from time to time, samples of foods and drugs which are being imported into the United States or offered for import, giving notice thereof to the owner or consignee, who may appear before the Secretary of Agriculture, and have the right to introduce testimony, and if it appear from the examination of such samples that any article of food or drug offered to be imported into the United States is adulterated or misbranded within the meaning of this Act, or is otherwise dangerous to the health of the people of the United States, or is of a kind forbidden entry into, or forbidden to be sold or restricted in sale in the country in which it is made or from which it is exported, or is otherwise falsely labeled in any respect, the said article shall be refused admission, and the Secretary of the Treasury shall refuse delivery to the consignee and shall cause the destruction of any goods refused delivery which shall not be exported by the consignee within three months from the date of notice of such refusal under such regulations as the Secretary of the Treasury may prescribe: **Provided,** That the Secretary of the Treasury may deliver to the consignee such goods pending examination and decision in the matter on execution of a penal bond for the amount of the full invoice value of such goods, together with the duty thereon, and on refusal to return such goods for any cause to the custody of the Secretary of the Treasury, when demanded, for the

purpose of excluding them from the country, or for any other purpose, said consignee shall forfeit the full amount of the bond: **And provided further,** That all charges for storage, cartage, and labor on goods which are refused admission or delivery shall be paid by the owner or consignee, and in default of such payment shall constitute a lien against any future importation made by such owner or consignee.

Sec. 12. That the term "Territory" as used in this Act shall include the insular possessions of the United States. The word "person" as used in this Act shall be construed to import both the plural and the singular, as the case demands, and shall include corporations, companies, societies and associations. When construing and enforcing the provisions of this Act, the act, omission, or failure of any officer, agent, or other person acting for or employed by any corporation, company, society, or association, within the scope of his employment or office, shall in every case be also deemed to be the act, omission, or failure of such corporation, company, society, or association as well as that of the person.

Sec. 13. That this Act shall be in force and effect from and after the first day of January, nineteen hundred and seven.

Approved, June 30, 1906.

Rules and Regulations for the Enforcement of the Food and Drugs Act.

GENERAL.

Regulation 1. Short Title of the Act.

The act, "For preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic herein, and for other purposes," approved June 30, 1906, shall be known and referred to as "The Food and Drugs Act, June 30, 1906."

Regulation 2. Original Unbroken Package.

(Section 2.)

The term "original unbroken package" as used in this act is the original package, carton, case, can, box, barrel, bottle, phial, or other receptacle put up by the manufacturer, to which the label is attached, or which may be suitable for the attachment of a label, making one complete package of the food or drug article. The original package contemplated includes both the wholesale and the retail package.

Regulation 3. Collection of Samples.

(Section 4.)

Samples of unbroken packages shall be collected only by authorized agents of the Department of Agriculture; or by the health, food, or drug officer of any State, Territory, or the District of Columbia, when commissioned by the Secretary of Agriculture for this purpose.

Samples may be purchased in the open market, and if in bulk the marks, brands, or tags upon the package, carton, container, wrapper, or accompanying printed or written matter shall be noted. The collector shall also note the names of the vendor and agent thru whom the sale was actually made, together with the date of purchase. The collector shall purchase representative samples.

A sample shall be divided into three parts, and each part shall be labeled with the identifying marks. All samples shall be sealed by the collector with a seal provided for the purpose. If the package be less than 4 pounds, or in volume less than 2 quarts, three packages of approximately the same size shall be purchased and the marks and tags upon each noted as above. One sample shall be delivered to the party from whom purchased or to the party guaranteeing such merchandise. One sample shall be sent to the Bureau of Chemistry, or to such chemist or examiner as may be designated by the Secretary of Agriculture, and the third sample shall be held under seal by the Secretary of Agriculture.

Regulation 4. Methods of Analysis.

(Section 4.)

Unless otherwise directed by the Secretary of Agriculture, the methods of analysis employed shall be those prescribed by the Association of Official Agricultural Chemists and the United States Pharmacopoeia.

Regulation 5. Hearings.

(Section 4.)

(a) When the examination or analysis shows that the provisions of the food and drugs act, June 30, 1906, have been violated, notice of that fact, together with a copy of the findings, shall be furnished to the party or parties from whom the sample was obtained or who executed the guaranty as provided in the food and drugs act, June 30, 1906, and a date shall be fixt at which such party or parties may be heard before the Secretary of Agriculture, or such other official connected with the food and drug inspection service as may be commissioned by him for that purpose. The hearings shall be had at a place, to be designated by the Secretary of Agriculture, most convenient for all parties concerned. These hearings shall be private and confined to questions of fact. The parties interested therein may appear in person or by attorney and may propound proper interrogatories and submit oral or written evidence to show any fault or error in the findings of the analyst or examiner. The Secretary of Agriculture may order a re-examination of the sample or have new samples drawn for further examination.

(b) If the examination or analysis be found correct the Secretary of Agriculture shall give notice to the United States district attorney as prescribed.

(c) Any health, food, or drug officer or agent of any State, Territory, or the District of Columbia who shall obtain satisfactory evidence of any violation of the food and drugs act, June 30, 1906, as provided in section 5 thereof, shall first submit the same to the Secretary of Agriculture, in order that the latter may cause notice to be given to the guarantor or to the party from whom the sample was obtained

Regulation 6. Publication.

(Section 4.)

(a) When a judgment of the court shall have been rendered there may be a publication of the findings of the examiner or analyst, together with the findings of the court.

(b) This publication may be made in the form of circulars, notices, or bulletins, as the Secretary of Agriculture may direct, not less than thirty days after judgment.

(c) If an appeal be taken from the judgment of the court before such publication, notice of the appeal shall accompany the publication.

Regulation 7. Standards for Drugs.

(Section 7.)

(a) A drug bearing a name recognized in the United States Pharmacopoeia or National Formulary, without any further statement respecting its character, shall be required to conform in strength, quality, and purity to the standards

prescribed or indicated for a drug of the same name recognized in the United States Pharmacopoeia or National Formulary, official at the time.

(b) A drug bearing a name recognized in the United State Pharmacopoeia or National Formulary, and branded to show a different standard of strength, quality, or purity, shall not be regarded as adulterated if it conforms to its declared standard.

Regulation 8. Formulas—Proprietary Foods.

(Section 8, last paragraph.)

(a) Manufacturers of proprietary foods are only required to state upon the label the names and percentages of the materials used, in so far as the Secretary of Agriculture may find this to be necessary to secure freedom from adulteration and misbranding.

(b) The factories in which proprietary foods are made shall be open at all reasonable times to the inspection provided for in Regulation 16.

Regulation 9. Form of Guaranty.

(Section 9.)

(a) No dealer in food or drug products will be liable to prosecution if he can establish that the goods were sold under a guaranty by the wholesaler, manufacturer, jobber, dealer, or other party residing in the United States from whom purchased.

(b) A general guaranty may be filed with the Secretary of Agriculture by the manufacturer or dealer and be given a serial number, which number shall appear on each and every package of goods sold under such guaranty with the words, "Guaranteed under the food and drugs act, June 30, 1906."

(c) The following form of guaranty is suggested:

I (we) the undersigned do hereby guarantee that the articles of foods or drugs manufactured, packed, distributed, or sold by me (us) (specifying the same as fully as possible) are not adulterated or misbranded within the meaning of the food and drugs act, June 30, 1906.

(Signed in ink.)

_____ _____.

(Name and place of business of wholesaler, dealer, manufacturer, jobber, or other party.)

(d) If the guaranty be not filed with the Secretary of Agriculture as above, it should identify and be attached to the bill of sale, invoice, bill of lading, or other schedule giving the names and quantities of the articles sold.

ADULTERATION.

Regulation 10. Confectionery.

(Section 7.)

(a) Mineral substances of all kinds (except as provided in Regulation 15) are specifically forbidden in confectionery whether they be poisonous or not.

(b) Only harmless colors or flavors shall be added to confectionery.

(c) The term "narcotic drugs" includes all the drugs mentioned in section

8, food and drugs act, June 30, 1906, relating to foods, their derivatives and preparations, and all other drugs of a narcotic nature.

Regulation 11. Substances Mixt and Packed with Foods.

(Section 7, under "Foods.")

No substance may be mixt or packed with a food product which will reduce or lower its quality or strength. Not excluded under this provision are substances properly used in the preparation of food products for clarification or refining, and eliminated in the further process of manufacture.

Regulation 12. Coloring, Powdering, Coating and Staining.

(Section 7, under "Foods.")

(a) Only harmless colors may be used in food products.

(b) The reduction of a substance to a powder to conceal inferiority in character is prohibited.

(c) The term "powdered" means the application of any powdered substance to the exterior portion of articles of food, or the reduction of a substance to a powder.

(d) The term "coated" means the application of any substance to the exterior portion of a food product.

(e) The term "stain" includes any change produced by the addition of any substance to the exterior portion of foods which in any way alters their natural tint.

Regulation 13. Natural Poisonous or Deleterious Ingredients

(Section 7, paragraph 5, under "Foods.")

Any food product which contains naturally a poisonous or deleterious ingredient does not come within the provisions of the food and drugs act, June 30, 1906, except when the presence of such ingredient is due to filth, putrescence, or decomposition.

Regulation 14. External Application of Preservatives.

(Section 7, paragraph 5, under "Foods," proviso.)

(a) Poisonous or deleterious preservatives shall only be applied externally, and they and the food products shall be of a character which shall not permit the permeation of any of the preservative to the interior, or any portion of the interior, of the product.

(b) When these products are ready for consumption, if any portion of the added preservative shall have penetrated the food product, then the proviso of section 7, paragraph 5, under "Foods," shall not obtain, and such food products shall then be subject to the regulations for food products in general.

(c) The preservative applied must be of such a character that, until removed, the food products are inedible.

Regulation 15. Wholesomeness of Colors and Preservatives.

(Section 7, paragraph 5, under "Foods.")

(a) Respecting the wholesomeness of colors, preservatives, and other substances which are added to foods, the Secretary of Agriculture shall determine from chemical or other examination, under the authority of the agricultural appropriation act, Public 382, approved June 30, 1906, the names of those sub-

stances which are permitted or inhibited in food products; and such findings, when approved by the Secretary of the Treasury and the Secretary of Commerce and Labor, shall become a part of these regulations.

(b) The Secretary of Agriculture shall determine from time to time, in accordance with the authority conferred by the agricultural appropriation act, Public 382, approved June 30, 1906, the principles which shall guide the use of colors, preservatives, and other substances added to foods; and when concurred in by the Secretary of the Treasury and the Secretary of Commerce and Labor, the principles so established shall become a part of these regulations.

Regulation 16. Character of the Raw Materials.

(Section 7, paragraph 1, under "Drugs;" paragraph 6, under "Foods.")

(a) The Secretary of Agriculture, when he deems it necessary, shall examine the raw materials used in the manufacture of food and drug products, and determine whether any filthy, decomposed, or putrid substance is used in their preparation.

(b) The Secretary of Agriculture shall make such inspection as often as he may deem necessary.

MISBRANDING.

Regulation 17. Label.

(Section 8.)

(a) The term "label" applies to any printed, pictorial, or other matter upon or attached to any package of a food or drug product, or any container thereof.

(b) The principal label shall consist, first, of all words which the food and drugs act, June 30, 1906, specifically requires, to wit, the name of the substance or product; the name of place of manufacture in the case of food compounds or mixtures; words which show that the articles are compounds, mixtures, or blends; the words "compound," "mixture," or "blend;" or words designating the substances or their derivatives and proportions required to be named in the case of drugs and foods All these required words shall appear upon the principal label with no intervening descriptive or explanatory reading matter. Second, if the name of the manufacturer and place of manufacture are given, they shall also appear upon the principal label. Third, elsewhere upon the principal label other matter may appear in the discretion of the manufacturer.

(c) The principal label on foods or drugs for domestic commerce shall be printed in English (except as provided in Regulation 19), with or without the foreign label in the language of the country where the food or drug product is produced or manufactured. The size of type shall not be smaller than 8-point (brevier) caps: **Provided,** That in case the size of the package will not permit the use of 8-point cap type the size of the type may be reduced proportionately.

(d) The form, character, and appearance of the labels, except as provided above, are left to the judgment of the manufacturer.

(e) Descriptive matter upon the label shall be free from any statement, design, or device regarding the article or the ingredients or substances contained therein, or quality thereof, or place or origin, which is false or misleading in any particular.

(f) An article containing more than one food product or active medicinal agent is misbranded if named after a single constituent.

In the case of drugs the nomenclature employed by the United States Pharmacopoeia and the National Formulary shall obtain.

(g) The term "design" or "device" applies to pictorial matter of every description, and to abbreviations, characters, or signs for weights, measures, or names of substances.

(h) The use of any false or misleading statement, design, or device shall not be justified by any statement given as the opinion of an expert or other person, appearing on any part of the label, nor by any descriptive matter explaining the use of the false or misleading statement, design, or device.

(i) The regulation regarding the principal label will not be enforced until October 1, 1907, in the case of labels printed and now on hand, whenever any statement therein contained which is contrary to the food and drugs act, June 30, 1906, as to character of contents, shall be corrected by a supplemental label, stamp or paster. All other labels now printed and on hand may be used without change until October 1, 1907.

Regulation 18. Name and Address of Manufacturer.

(Section 8.)

(a) The name of the manufacturer or producer, or the place where manufactured, except in case of mixtures and compounds having a distinctive name, need not be given upon the label, but if given, must be the true name and the true place. The words "packed for ———," "distributed by ———," or some equivalent phrase, shall be added to the label in case the name which appears upon the label is not that of the actual manufacturer or producer, or the name of the place not the actual place of manufacture or production.

(b) When a person, firm, or corporation actually manufactures or produces an article of food or drug in two or more places, the actual place of manufacture or production of each particular package need not be stated on the label except when in the opinion of the Secretary of Agriculture the mention of any such place, to the exclusion of the others, misleads the public.

Regulation 19. Character of Name.

(Section 8.)

(a) simple or unmixt food or drug product not bearing a distinctive name shall be designated by its common name in the English language, or, if a drug, by any name recognized in the United States Pharmacopoeia or National Formulary. No further description of its components or qualities is required, except as to content of alcohol, morphine, etc.

(b) The use of a geographical name shall not be permitted in connection with a food or drug product not manufactured or produced in that place, when such name indicates that the article was manufactured or produced in that place.

(c) The use of a geographical name in connection with a food or drug product will not be deemed a misbranding when by reason of long usage it has come to represent a generic term and is used to indicate a style, type, or brand; but in all such cases the State or Territory where any such article is manufactured or produced shall be stated upon the principal label.

(d) A foreign name which is recognized as distinctive of a product of a foreign country shall not be used upon an article of domestic origin except as an indication of the type or style of quality or manufacture, and then only when so qualified that it can not be offered for sale under the name of a foreign article.

Regulation 20. Distinctive Name.

(Section 8.)

(a) A "distinctive name" is a trade, arbitrary, or fancy name which clearly distinguishes a food product, mixture, or compound from any other food product, mixture, or compound.

(b) A distinctive name shall not be one representing any single constituent of a mixture or compound.

(c) A distinctive name shall not misrepresent any property or quality of a mixture or compound.

(d) A distinctive name shall give no false indication of origin, character, or place of manufacture, nor lead the purchaser to suppose that it is any other food or drug product.

Regulation 21. Compounds, Imitations, or Blends Without Distinctive Name.

(Section 8.)

(a) The term "blend" applies to a mixture of like substances, not excluding harmless coloring or flavoring ingredients used for the purpose of coloring and flavoring only.

(b) If any age is stated, it shall not be that of a single one of its constituents, but shall be the average of all constituents in their respective proportions.

(c) Coloring and flavoring can not be used for increasing the weight or bulk of a blend.

(d) In order that colors or flavors may not increase the volume or weight of a blend, they are not to be used in quantities exceeding 1 pound to 800 pounds of the blend.

(e) A color or flavor can not be employed to imitate any natural product or any other product of recognized name and quality.

(f) The term "imitation" applies to any mixture or compound which is a counterfeit or fraudulent simulation of any article of food or drug.

Regulation 22. Articles Without a Label.

(Section 8, paragraph 1, under "Drugs;" paragraph 1, under "Foods.")

It is prohibited to sell or offer for sale a food or drug product bearing no label upon the package or no descriptive matter whatever connected with it, either by design, device, or otherwise, if said product be an imitation of or offered for sale under the name of another article.

Regulation 23. Proper Branding Not a Complete Guaranty.

Packages which are correctly branded as to character of contents, place of manufacture, name of manufacturer, or otherwise, may be adulterated and hence not entitled to enter into interstate commerce.

Regulation 24. Incompleteness of Branding.

A compound shall be deemed misbranded if the label be incomplete as to the names of the required ingredients. A simple product does not require any

further statement than the name or distinctive name thereof, except as provided in Regulations 19 (a) and 28.

Regulation 25. Substitution.

(Sections 7 and 8.)

(a) When a substance of a recognized quality commonly used in the preparation of a food or drug product is replaced by another substance not injurious or deleterious to health, the name of the substituted substance shall appear upon the label.

(b) When any substance which does not reduce, lower, or injuriously affect its quality or strength, is added to a food or drug product, other than that necessary to its manufacture or refining, the label shall bear a statement to that effect.

Regulation 26. Waste Materials.

(Section 8.)

When an article is made up of refuse materials, fragments, or trimmings, the use of the name of the substance from which they are derived, unless accompanied by a statement to that effect, shall be deemed a misbranding. Packages of such materials may be labeled "pieces," "stems," "trimmings," or with some similar appellation.

Regulation 27. Mixtures or Compounds with Distinctive Names.

(Section 8. First proviso under "Foods," paragraph 1.)

(a) The terms "mixtures" and "compounds" are interchangeable and indicate the results of putting together two or more food products.

(b) These mixtures or compounds shall not be imitations of other articles, whether simple, mixt, or compound, or offered for sale under the name of other articles. They shall bear a distinctive name and the name of the place where the mixture or compound has been manufactured or produced.

(c) If the name of the place be one which is found in different States, Territories, or countries, the name of the State, Territory, or country, as well as the name of the place, must be stated.

Regulation 28. Substances named in Drugs or Foods.

(Section 8. Second under "Drugs;" second under "Foods.")

(a) The term "alcohol" is defined to mean common or ethyl alchol. No other kind of alcohol is permissible in the manufacture of drugs except as specified in the United States Pharmacopoeia or National Formulary.

(b) The words alcohol, morphine, opium, etc., and the quantities and proportions thereof, shall be printed in letters corresponding in size with those prescribed in Regulation 17, paragraph (c).

(c) A drug, or food product except in respect of alcohol, is misbranded in case it fails to bear a statement on the label of the quantity or proportion of any alcohol, morphine, opium, heroin, cocaine, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilide, or any derivative or preparation of any such substances contained therein.

(d) A statement of the maximum quantity or proportion of any such substances present will meet the requirements, provided the maximum stated does not vary materially from the average quantity or proportion.

(e) In case the actual quantity or proportion is stated it shall be the average quantity or proportion with the variations noted in Regulation 29.

(f) The following are the principal derivatives and preparations made from the articles which are required to be named upon the label:

ALCOHOL, ETHYL: (Cologne spirits, Grain alcohol, Rectified spirits, Spirits, and Spirits of wine.)

Derivatives—

Aldehyde, Ether, Ethyl acetate, Ethyl nitrite, and Paraldehyde.

Preparations containing alcohol—

Bitters, Brandies, Cordials, Elixirs, Essences, Fluid extracts, Spirits, Sirups, Tinctures, Tonics, Whiskies, and Wines.

MORPHINE, ALKALOID:

Derivatives—

Apomorphine, Dionine, Peronine, Morphine acetate, Hydrochloride, Sulphate, and other salts of morphine.

Preparations containing morphine or derivatives of morphine—

Bougies, Catarrh Snuff, Chlorodyne, Compound powder of morphine, Crayons, Elixirs, Granules, Pills, Solutions, Sirups, Suppositories, Tablets, Triturates, and Troches.

OPIUM, GUM:

Preparations of Opium—

Extracts, Denarcotized opium, Granulated opium, and Powdered opium, Bougies, Brown mixture, Carminative mixtures, Crayons, Dover's powder, Elixirs, Liniments, Ointments, Paregoric, Pills, Plasters, Sirups, Suppositories, Tablets, Tinctures, Troches, Vinegars, and Wines.

Derivatives—

Codeine, Alkaloid, Hydrochloride, Phosphate, Sulphate, and other salts of codeine.

Preparations containing codeine or its salts—

Elixirs, Pills, Sirups, and Tablets.

COCAINE, ALKALOID:

Derivatives—

Cocaine hydrochloride, Oleate, and other salts.

Preparations containing cocaine or salts of cocaine—

Coca leaves, Catarrh powders, Elixirs, Extracts, Infusion of coca, Ointments, Paste pencils, Pills, Solutions, Sirups, Tablets, Tinctures, Troches, and Wines.

HEROIN:

Preparations containing heroin—

Sirups, Elixirs, Pills, and Tablets.

ALPHA AND BETA EUCAINE:

Preparations—

Mixtures, Ointments, Powders, and Solutions.

CHLOROFORM:

Preparations containing Chloroform—

Chloranodyne, Elixirs, Emulsions, Liniments, Mixtures, Spirits, and Sirups.

CANNABIS INDICA:

Preparations of cannabis indica—

Corn remedies, Extracts, Mixtures, Pills, Powders, Tablets, and Tinctures.

CHLORAL HYDRATE (Chloral U. S. Pharmacopoeia, 1890):

Derivatives—

Chloral acetophenonoxim, Chloral alcoholate, Chloralamide, Chloralimide, Chloral orthoform, Chloralose, Dormiol, Hypnal, and Uraline.

Preparations containing chloral hydrate or its derivatives—

Chloral camphorate, Elixirs, Liniments, Mixtures, Ointments, Suppositories, Sirups, and Tablets.

ACETANILIDE (Antifebrine, Phenylacetamide):

Derivatives—

Acetphenetidine, Citrophen, Diacetanilide, Lactophenin, Methoxy-acetanilide, Methylacetenilide, Para-Iodoacetanilide, and Phenacetine.

Preparations containing acetanilide or derivatives—

Analgesics, Antineuralgics, Antirheumatics, Cachets, Capsules, Cold remedies, Elixirs, Granular effervescing salts, Headache powders, Mixtures, Pain remedies, Pills, and Tablets.

Regulation 29. Statement of Weight or Measure.

(Section 8. Third under "Foods.")

(a) A statement of the weight or measure of the food contained in a package is not required. If any such statement is printed, is shall be a plain and correct statement of the average net weight or volume, either on or immediately above or below the principal label, and of the size of letters specified in Regulation 17.

(b) A reasonable variation from the stated weight for individual packages is permissible, provided this variation is as often above as below the weight or volume stated. This variation shall be determined by the inspector from the changes in the humidity of the atmosphere, from the exposure of the package to evaporation or to absorption of water, and the reasonable variations which attend the filling and weighing or measuring of a package.

Regulation 30. Method of Stating Quantity or Proportion.

(Section 8.)

In the case of alcohol the expression "quantity" or "proportion" shall mean the average percentage by volume in the finished product. In the case of the other ingredients required to be named upon the label, the expression "quantity" or "proportion" shall mean grains or minims per ounce or fluid ounce, and also, if desired the metric equivalents therefor, or milligrams per gram or per cubic centimeter, or grams or cubic centimeters per kilogram or per liter; provided that these articles shall not be deemed misbranded if the maximum of quantity or proportion be stated, as required in Regulation 28 (d).

EXPORTS AND IMPORTS OF FOODS AND DRUGS.

Regulation 31. Preparation of Food Products for Export.

(Section 2.)

(a) Food products intended for export may contain added substances not permitted in foods intended for interstate commerce, when the addition of such substances does not conflict with the laws of the countries to which the food products are to be exported and when such substances are added in accordance with the directions of the foreign purchaser or his agent.

(b) The exporter is not required to furnish evidence that goods have been prepared or packed in compliance with the laws of the foreign country to

which said goods are intended to be shipped but such shipment is made at his own risk.

(c) Food products for export under this regulation shall be kept separate and labeled to indicate that they are for export.

(d) If the products are not exported they shall not be allowed to enter interstate commerce.

Regulation 32. Imported Food and Drug Products.

(Section 11.)

(a) Meat and meat food products imported into the United States shall be accompanied by a certificate of official inspection of a character to satisfy the Secretary of Agriculture that they are not dangerous to health, and each package of such articles shall bear a label which shall identify it as covered by the certificate, which certificate shall accompany or be attached to the invoice on which entry is made.

(b) The certificate shall set forth the official position of the inspector and the character of the inspection.

(c) Meat and meat food products as well as all other food and drug products of a kind forbidden entry into or forbidden to be sold, or restricted in sale in the country in which made or from which exported, will be refused admission.

(d) Meat and meat food products which have been inspected and past thru the customs may, if identity is retained, be transported in interstate commerce.

Regulation 33. Declaration.

(Section 11.)

(a) All invoices of food or drug products shipped to the United States shall have attached to them a declaration of the shipper, made before a United States consular officer, as follows:

I, the undersigned, do solemnly and truly declare that I am the ——— ——— of the merchandise herein mentioned and described, and that it consists of food or drug products which contain no added substances injurious to health.

These products were grown in ——— and manufactured in ——— by ——— ——— during the year ———, and are exported from——— and consigned to ———. The products bear no false labels or marks, contain ——— adding coloring matter or preservative ———, and are not of a character to cause prohibition or restriction in the country where made or from which exported.

Dated at —— this —— day of ——, 19—.

(Signed): ——— ———.

(b) In the case of importations to be entered at New York, Boston, Philadelphia, Chicago, San Francisco, and New Orleans, and other ports where food and drug inspection laboratories shall be established, this declaration shall be attached to the invoice on which entry is made. In other cases the declaration shall be attached to the copy of the invoice sent to the Bureau of Chemistry.

Regulation 34. Denaturing.

(Section 11.)

Unless otherwise declared on the invoice or entry, all substances ordinarily used as food products will be treated as such. Shipments of substances ordinar-

ily used as food products intended for technical purposes must be accompanied by a declaration stating that fact, and must be so denatured as to prevent their use as foods.

Regulation 35. Bond, Imported Foods, and Drugs.

(Section 11.)

Unexamined packages of food and drug products may be delivered to the consignee prior to the completion of the examination to determine whether the same are adulterated or misbranded upon the execution of a penal bond by the consignee in the sum of the invoice value of such goods with the duty added, for the return of the goods to customs custody.

Regulation 36. Notification of Violation of the Law.

(Section 11.)

If the sample on analysis or examination be found not to comply with the law, the importer shall be notified of the nature of the violation, the time and place at which final action will be taken upon the question of the exclusion of the shipment, and that he may be present, and submit evidence (Form No. 5), which evidence, with a sample of the article, shall be forwarded to the Bureau of Chemistry at Washington, accompanied by the appropriate report card.

Regulation 37. Appeal to the Secretary of Agriculture for Remuneration

(Section 11.)

All applications for relief from decisions arising under the execution of the law should be addrest to the Secretary of Agriculture, and all vouchers or accounts for remuneration for samples shall be filed with the chief of the inspection laboratory, who shall forward the same, with his recommendation, to the Department of Agriculture for action.

Regulation 38. Shipment beyond the jurisdiction of the United States.

(Section 11.)

The time allowed the importer for representations regarding the shipment may be extended at his request to permit him to secure such evidence as he desires, provided that this extension of time does not entail any expense to the Department of Agriculture. If at the expiration of this time, in view of the data secured in inspecting the sample and such evidence as may have been submitted by the manufacturers or importers, it appears that the shipment can not be legally imported into the United States, the Secretary of Agriculture shall request the Secretary of the Treasury to refuse to deliver the shipment in question to the consignee, and to require its reshipment beyond the jurisdiction of the United States.

Regulation 39. Application of Regulations.

These regulations shall not apply to domestic meat and meat food products which are prepared, transported, or sold in interstate or foreign commerce under the meat-inspection law and the regulations of the Secretary of Agriculture made thereunder.

Regulation 40. Alteration and Amendment of Regulations.

These regulations may be altered or amended at any time, without previous notice, with the concurrence of the Secretary of the Treasury, the Secretary of Agriculture, and the Secretary of Commerce and Labor.

California Pure Food Law.

AN ACT FOR PREVENTING THE MANUFACTURE, SALE OR TRANSPORTATION OF ADULTERATED, MISLABELED OR MISBRANDED FOODS AND LIQUORS AND REGULATING THE TRAFFIC THEREIN, PROVIDING PENALTIES, ESTABLISHING A STATE LABORATORY FOR FOODS, LIQUORS AND DRUGS AND MAKING AN APPROPRIATION THEREFOR.

The people of the State of California, represented in senate and assembly, do enact as follows:

Section 1. The manufacture, production, preparation, compounding, packing, selling, offering for sale or keeping for sale within the State of California, or the introduction into this state from any other state, territory, or the District of Columbia, or from any foreign country, of any article of food or liquor which is adulterated, mislabeled or misbranded within the meaning of this act is hereby prohibited. Any person, firm, company, or corporation who shall import or receive from any other state or territory or the District of Columbia or from any foreign country, or who having so received shall deliver for pay or otherwise, or offer to deliver to any other person, any article of food or liquor adulterated, mislabeled or misbranded within the meaning of this act, or any person who shall manufacture or produce, prepare or compound, or pack or sell, or offer for sale, or keep for sale, in the State of California any such adulterated, mislabeled or misbranded food, or liquor shall be guilty of a misdemeanor; provided that no article of food shall be deemed adulterated, mislabeled or misbranded within the provisions of this act, when prepared for export beyond the jurisdiction of the United States and prepared or packed according to specifications or directions of the foreign purchaser, when no substance is used in the preparation or packing thereof in conflict with the laws of the foreign country to which said article is intended to be shipped; but if such foods shall be in fact sold, or kept or offered for sale for domestic uses and consumption, then this proviso shall not exempt said article from the operation of any provisions of this act.

Sec. 2. The term "food" as used in this act shall include all articles used for food, drink, liquor, confectionery or condiment by man or other animals, whether simple, mixed, or compound.

Sec. 3. The standard of purity of food and liquor shall be that proclaimed by the Secretary of the United States Department of Agriculture.

Sec. 4. Food shall be deemed adulterated within the meaning of this act, in any of the following cases:

First. If any substance has been mixed or packed, or mixed and packed with the food so as to reduce or lower or injuriously affect its quality, purity, strength, or food value.

Second. If any substance has been substituted wholly or in part for the article of food.

Third. If any essential or any valuable constituent or ingredient of the article of food has been wholly or in part abstracted.

Fourth. If it be mixed, colored, powdered, coated or stained in any manner whereby damage or inferiority is concealed.

Fifth. If it contain any added poisonous or other added deleterious ingredient.

Sixth. If it consists in whole or in part of a filthy, decomposed or putrid animal or vegetable substance, or any portion of an animal or vegetable unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter; **provided** that an article of liquor shall not be deemed adulterated, mislabeled or misbranded if it be blended or mixed with like substances so as not to injuriously reduce or injuriously lower or injuriously affect its quality, purity or strength.

Seventh. In the case of confectionery: If it contain terra alba, barytes, talc, chrome yellow, or other mineral substance or poisonous color or flavor, or other ingredient deleterious or detrimental to health, or any vinous malt, or spirituous liquor or compound or narcotic drug.

Sec. 5. That the term "misbranded" as used herein shall apply to all articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement, design or device regarding such article, or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any food product which is falsely branded as to the county, city and county, city, town, state, territory, District of Columbia or foreign country in which it is manufactured, or produced.

Sec. 6. Food and liquor shall be deemed mislabeled or misbranded within the meaning of this act in any of the following cases:

First. If it be an imitation of or offered for sale under the distinctive name of another article of food.

Second. If it be labeled or branded or colored so as to deceive or mislead, or tend to deceive or mislead the purchaser, or if it be falsely labeled in any respect, or if it purport to be a foreign product tend to mislead the purchaser, or purport to be a foreign product when not so, or if the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package.

Third. If in package form, and the contents are stated in terms of weight or measure, they are not plainly and correctly stated on the outside of the package.

Fourth. If the package containing it or its label shall bear any statement, design or device regarding the ingredients or the substance contained therein, which statement, design, or device shall be false or misleading in any particular.

Fifth. When any package bears the name of the manufacturers, jobbers or sellers, or the grade or class of the product, it must bear the name of the real manufacturers, jobbers or sellers and the true grade or class of the product, the same to be expressed in clear and distinct English words in legible type; **provided,** that an article or food shall not be deemed misbranded, it if be a well known food product of a nature, quality and appearance, and so exposed to public inspection as not to deceive or mislead nor tend to deceive or mislead a purchaser, and not misbranded and not of the character included within the definitions 1 to 4 of this section.

Sec. 7. The term "package" as used in this act shall be construed to include any phial, bottle, jar, demijohn, carton, bag, case, can, box or barrel or any receptacle, vessel or container of whatsoever material or nature which may be used by a manufacturer, producer, jobber, packer, or dealer, for inclosing any article of food.

Sec. 8. The possession of any adulterated, mislabeled or misbranded article

of food or liquor by any manufacturer, producer, jobber, packer, or dealer in food, or broker, commission merchant, agent, employee or servant of any such manufacturer, producer, jobber, packer, or dealer, shall be prima facie evidence of the violation of this act.

Sec. 9. For the purposes of this act there is hereby established a state laboratory for the analysis and examination of food and drugs, which shall be under the supervision of the state board of health, which laboratory shall be located at such place as the state board of health may select.

The state board of health shall appoint a director of said laboratory, and an assistant to such director, both of whom shall be skilled pharmaceutical chemists and analysts of foods and drugs. Said director shall perform all duties required by this act and which shall be required by the state board of health. The assistant shall be under the supervision of the director, and shall perform all duties required of him by the director and by the state board of health.

The director shall receive an annual salary of three thousand dollars, and the assistant shall receive an annual salary of fifteen hundred dollars. All such salaries shall be paid in the manner and at the same time as the salaries of state officers.

The state board of health, out of the appropriation hereinafter provided, and out of the funds derived from the operation of this act, may employ and fix the compensation of other and additional clerical and professional assistants.

Sec. 10. The state board of health or its secretary, shall cause to be made by the said director of the state laboratory, examinations and analyses of food and liquor on sale in California, suspected of being adulterated, mislabeled or misbranded at such times and places and to such extent as said board or its secretary may determine, and may appoint such agent or agents, as it may deem necessary, and the sheriffs of the respective counties of the state are hereby appointed and constituted agents for the enforcement of this act and any agent or sheriff shall have free access, at all reasonable hours, for the purpose of examining any place where it is suspected that any article of adulterated, mislabeled or misbranded foods exist, and such agent or sheriff upon tendering the market price of said article, if a sale be refused, may take, from any person, firm or corporation samples of any article suspected of being adulterated, mislabeled or misbranded, and shall deliver or forward such samples to the said director of the state laboratory for examination and analysis.

Sec. 11. It shall be the duty of the state board of health whenever it has satisfactory evidence of the violation of any of the provisions of this act respecting the adulteration or misbranding of foods to report such facts to the district attorney of the county where the law is violated, after the hearing provided in section sixteen of this act.

Sec. 12. It shall be a misdemeanor for any person to refuse to sell to any sheriff or other agent of the state board of health, any sample of food or liquor upon tender of the market price therefor, or to conceal any such food from such officer, or to withhold from him information where such food is kept or stored. Any such person so refusing to sell, or concealing such food, or withholding such information from said officer shall, upon conviction, be punished as provided in section nineteen of the Penal Code of the State of California.

Sec. 13. Whenever said director shall find from his examination and analysis that adulterated, mislabeled or misbranded food has been on sale in this state, he shall forthwith report to the secretary of the state board of health.

Sec. 14. Every certificate signed by the said director of the state laboratory shall be prima facie evidence of the facts therein stated.

Sec. 15. The said director of the state laboratory shall make an annual report to the state board of health, on or before August first of each year, upon adulterated or misbranded foods and liquors in which report shall be included the list of cases examined by him in which adulterants were found, and the list of articles found, mislabeled or misbranded, and the names of the manufacturers, producers, jobbers and sellers. Said report, or any part thereof, may, in the discretion of the state board of health, be included in the report which the state board of health is already authorized by law to make to the governor. The state board of health may, in its discretion publish any part of said report in any issue of its monthly bulletin.

Sec. 16. When an examination or analysis of the director of the state laboratory shows that any of the provisions of this act have been violated, notice of that fact together with a copy of the certificate of the findings, shall be furnished to the party or parties from whom the sample was obtained or who executed the guaranty as provided in this act, and a date shall be fixed by the secretary of the state board of health at which said party or parties may be heard before the state board of health or before any two members thereof and the secretary. The hearing shall be held in the city of Sacramento, and at least fifteen days' notice thereof shall be first served upon the party complained of. These hearings shall be private and confined to questions of fact. Parties interested therein may appear in person or by attorney and may propound interrogatories and submit oral or written evidence to show any fault or error in the findings made by the director of the state laboratory. If the examination or analysis be found correct, or if the party or parties fail to appear at such hearing after notice duly served as provided herein, the secretary of the state board of health shall forthwith transmit a certificate of the facts so found to the district attorney of the county in which said adulterated, mislabeled or misbranded food was found. No publication as in this act provided shall be made until after said hearing is concluded.

Sec. 17. It is hereby made the duty of the sheriff of any county of this state, on presentation to him of a verified complaint of the violation of any provisions of this act, at once to obtain by purchase a sample of the adulterated, mislabeled or misbranded food complained of, and divide said article into three parts, and each part shall be sealed by the sheriff with a seal provided for that purpose. If the package be less than four pounds or in volume less than two quarts, three packages of approximately the same size shall be purchased and the marks and tags upon each package noted as above. One sample shall be delivered to the party from whom procured, or to the party guaranteeing such merchandise, one sample shall be sent to the director of the state laboratory and the third sample shall be sent to and held under seal by the state board of health.

Sec. 18. For his services hereunder the said sheriff shall be allowed the same fees for travel allowed by law to sheriffs on service of criminal process, together with such compensation as by the board of supervisors of his county may be deemed reasonable, and all amounts expended by him in procuring and transmitting the said samples, which fees and amount expended shall be audited and allowed by the said supervisors and paid by his said county as other bills of said sheriff.

Sec. 19. It shall be the duty of the district attorney of each county to prosecute all violations of the provisions of this act occurring within his county.

Sec. 20. Any person, firm, company or corporation violating any of the provisions of this act, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than twenty-five dollars, nor more than five-hundred dollars, or shall be imprisoned in the county jail for a term not exceeding six months, or by both such fine and imprisonment. Food found to be adulterated, mislabeled or misbranded within the meaning of this act may, by order of any court or judge, be seized and destroyed.

Sec. 21. One-half of all fines collected by any court or judge, for the violations of the provisions of this act shall be paid to the state treasurer and the state treasurer shall deposit such money to the credit of the fund for the maintenance of the state laboratory, to be drawn against by warrants of the state controller upon claims which shall be approved by the state board of health and by the state board of examiners.

Sec. 22. No dealer shall be prosecuted under the provisions of this act, when he can establish a guaranty signed by the wholesaler, jobber, manufacturer, or other party residing in the United States from whom he purchased such article to the effect, that the same is not adulterated, mislabeled or misbranded within the meaning of this act, designating it. Said guaranty to afford protection, must contain the name and address of the party or parties making the sales of such article to said dealer, and an itemized statement showing the articles purchased; or a general guaranty may be filed with the Secretary of the United States Department of Agriculture by the manufacturer, wholesaler, jobber or other party in the United States and be given a serial number, which number shall appear on each and every package of goods sold under such guaranty with the words "Guaranteed under the food and drugs act June 30, 1906." In case the wholesaler, jobber, manufacturer or other party making such guaranty to said dealer resides without this state, and it appears from the certificate of the director of the state laboratory that such article or articles were adulterated, mislabeled or misbranded, within the meaning of this act, or the National Pure Food Act, approved June 30th, 1906, the district attorney must forthwith notify the attorney general of the United States of such violation.

Sec. 23. The sum of twenty thousand dollars ($20,000.00) is hereby appropriated out of any money in the state treasury not otherwise appropriated for the purchase of equipment, apparatus, chemicals and supplies of said laboratory and of the office expenses, in connection with the same and for the compensation of additional assistants and other necessary help.

The state controller is hereby authorized to draw his warrants for the sums herein appropriated in favor of the secretary of the state board of health and the state treasurer is hereby directed to pay the same.

Sec. 24. No article of food as herein defined shall be manufactured or produced in violation of this act from and after the first day of July, nineteen hundred and seven.

Sec. 25. All acts and parts of acts in conflict or inconsistent with this act are hereby repealed.

Sec. 26. This act shall be in force and effect from and after the first day of January, nineteen hundred and eight.

California Pure Drug Law.

AN ACT FOR THE PREVENTION OF THE MANUFACTURE, SALE OR TRANSPORTATION OF ADULTERATED, MISLABELED OR MISBRANDED DRUGS, REGULATING THE TRAFFIC IN DRUGS AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

The people of the State of California, represented in senate and assembly, do enact as follows:

Section 1. The manufacture, production, preparation, compounding, packing, selling, offering for sale or keeping for sale within the State of California, or the introduction into this state from any other state, territory, or the District of Columbia, or from any foreign country, of any drug which is adulterated, mislabeled or misbranded within the meaning of this act is hereby prohibited. Any person, firm, company, or corporation who shall import or receive from any other state or territory or the District of Columbia or from any foreign country, or who having so received shall deliver for pay or otherwise, or offer to deliver to any other person, any drug adulterated, mislabeled or misbranded within the meaning of this act, or any person who shall manufacture or produce, prepare or compound, or pack or sell, or offer for sale, or keep for sale, in the State of California, any such adulterated, mislabeled, or misbranded drug shall be guilty of a misdemeanor; **provided,** that no article shall be deemed misbranded, mislabeled or adulterated within the provisions of this act when intended for export to any foreign country and prepared or packed according to the specifications or directions of the foreign purchaser when no substance is used in the preparation or packing thereof in conflict with the laws of the foreign country to which said article is intended to be shipped; but if said article shall be in fact sold or offered for sale for domestic use or consumption, then this proviso shall not exempt said article from the operation of any of the other provisions of this act.

Sec. 2. That the term "drug" as used in this act, shall include all medicines and preparations recognized in the United States Pharmacopoeia or National Formulary for internal or external use, and any substance or mixture of substances intended to be used for the cure, mitigation, or prevention of disease of either man or other animals.

Sec. 3. The standard of purity of drugs shall be the United States Pharmacopoeia and National Formulary, and the regulations and definitions adopted for the enforcement of the national food and drugs act of June 30, 1906, shall be adopted by the state board of health for the enforcement of this act.

Sec. 4. Drugs shall be deemed adulterated within the meaning of this act in any of the following cases:

First. If, when a drug is sold under or by a name recognized in the United States Pharmacopoeia or National Formulary, it differs from the standard of strength, quality or purity, as determined by the test laid down in the United States Pharmacopoeia or National Formulary official at the time of investigation; **provided,** that no drug defined in the United States Pharmacopoeia or National Formulary shall be deemed to be adulterated under this provision if the standard of strength, quality, or purity be plainly stated upon

the package thereof although the standard may differ from that determined by the test laid down in the United States Pharmacopoeia or National Formulary.

Second. If the strength or purity fall below the professed standard or quality under which it is sold.

Sec. 5. That the term "misbranded" as used herein shall apply to all drugs, the package or label of which shall bear any statement, design, or device, regarding such article or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any drug which is falsely branded or labeled as to the county, city and county, city, town, state, territory, District of Columbia, or foreign country in which it is manufactured or produced.

Sec. 6. Drugs shall be deemed mislabeled or misbranded under the meaning of this act in either of the following cases:

First: If it be an imitation of or offered for sale under the name of another article.

Second. If the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package, or if the package as offered for sale at retail or wholesale, fail to bear a statement on the label of the per cent of volume of alcohol, or the quantity of any morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, acetanilide, or any derivative or preparation of any such substances contained therein, except when prescribed by a licensed physician, licensed dentist, or licensed veterinary sergeon

Sec. 7. The term "package" as used in this act shall be construed to include any phial, bottle, jar, demijohn, carton, bag, case, can, box or barrel or any receptacle, vessel or container of whatsoever material or nature which may be used by a manufacturer, producer, jobber, packer or dealer, for inclosing any drug.

Sec. 8. The sale or offering for sale of any adulterated, mislabeled or misbranded drug by any manufacturer, producer, jobber, packer or dealer in drugs, or broker, commission merchant, agent, employee or servant of any such manufacturer, producer, jobber, packer or dealer, shall be prima facie evidence of the violation of this act.

Sec. 9. Whenever required by the state board of health or its secretary, examinations and analyses of drugs on sale in California suspected of being adulterated, mislabeled or misbranded, shall be made by the director of the state laboratory for the examination and analysis of foods and drugs. Said state board of health or the secretary may appoint such agent or agents as it may deem necessary for the enforcement of this act, and the sheriffs of the respective counties of the state are hereby appointed and constituted such agents. Any agent or sheriff shall have the right to purchase at the place of business of any manufacturer or dealer, any drug suspected of being adulterated, mislabeled or misbranded within the meaning of this act, tendering the market price of said articles, if a sale be refused, he may take from any person, firm or corporation samples of any articles suspected of being adulterated, mislabeled and misbranded, and shall deliver or forward such samples to the said director of the state laboratory for examination and analysis.

Sec. 10. It shall be the duty of the state board of health whenever it has satisfactory evidence of the violation of any of the provisions of this act respecting the adulteration, mislabeling or misbranding of drugs, to report

such facts to the district attorney of the county where the law is violated.

Sec. 11. It shall be a misdemeanor for any person to refuse to sell to any sheriff or other agent of the state board of health, any sample of drug upon tender of the market price therefor, or to conceal any such drug from such officer, or to withhold from him information where such drug is kept or stored. Any such person so refusing to sell, or concealing such drug, or withholding such information from such officer, shall upon conviction, be punished as provided in section nineteen of the Penal Code of the State of California.

Sec. 12. Whenever said director shall find from his examination and analysis that adulterated, mislabeled or misbranded drugs have been on sale in this state, he shall forthwith report to the secretary of the state board of health, and shall promptly transmit a certificate of the facts so found to the district attorney of the county in which said adulterated, mislabeled or misbranded drug was found.

Sec. 13. Every certificate signed by the said director of the state laboratory shall be prima facie evidence of the facts therein stated.

Sec. 14. The said director of the state laboratory shall make an annual report to the state board of health, on or before August first of each year, upon adulterated, mislabeled or misbranded drugs in which report shall be included the list of cases examined by him in which adulterants were found, and the list of articles found mislabeled or misbranded, and the names of the manufacturers, producers, jobbers and sellers. Said report, or any part thereof, may, in the discretion of the state board of health, be included in the report which the state board of health is hereby authorized by law to make to the governor. The state board of health may, in its discretion publish any part of said report in any issue of its monthly bulletin.

Sec. 15. When the examination or analysis of the Director of the State Laboratory shows that any of the provisions of this act have been violated, notice of the fact together with a copy of the certificate of the findings, shall be furnished to the party or parties from whom the sample was obtained or who executed the guaranty as provided in this act, and a date shall be fixed by the Secretary of the Board of Health at which time said party or parties may be heard before the State Board of Health or any two members thereof, and the Secretary. The hearing shall be held in the City of Sacramento and at least fifteen days notice thereof shall be first served upon the party complained of. These hearings shall be private and confined to questions of fact. The parties interested therein may appear in person or by attorneys and may propound the interrogatories and submit oral or written evidence to show any fault or error in the findings made by the Director of the State Laboratory. If the examination or analysis be found correct, or if the party or parties fail to appear at such hearing, after notice duly served as provided herein, the Secretary of the State Board of Health shall forthwith transmit a certificate of the facts so found to the District Attorney of the county in which said adulterated, mislabeled or misbranded drug was found. No publication thereof shall be made until after said hearing is concluded.

Sec. 16. It is hereby made the duty of the sheriff of any county of this state, on presentation to him of a verified complaint of the violation of any provisions of this act, at once to obtain by purchase a sample of the adulterated, mislabeled or misbranded drug complained of and divide said article into three parts, and each part shall be sealed by the sheriff with a seal provided

for that purpose. If the package be less than four pounds, or in volume less than two quarts, three packages of approximately the same size shall be purchased and the marks and tags upon each package noted as above. One sample shall be delivered to the party from whom procured, or to the party guaranteeing said drug. One sample shall be sent to the director of the state laboratory, and a third sample shall be sent to and held under seal by the said board of health.

Sec. 17. For his services hereunder the said sheriff shall be allowed the same fees for travel allowed by law to sheriffs on service of criminal process, together with such compensation as by the board of supervisors of his county may be deemed reasonable, and all accounts expended by him in procuring and transmitting said samples, which fees and amount expended shall be audited and allowed by said supervisors and paid by his said county as other bills of said sheriff.

Sec. 18. It shall be the duty of the district attorney of each county to prosecute all violations of the provisions of this act occurring within his county.

Sec. 19. Any person, firm, company or corporation violating any of the provisions of this act, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than twenty-five dollars, not more than five hundred dollars, or shall be imprisoned in the county jail for a term not exceeding six months, or by both such fine and imprisonment. Drugs found to be adulterated or misbranded within the meaning of this act may, by order of any court or judge, be seized and destroyed.

Sec. 20. One half of all fines collected by any court or judge for the violations of the provisions of this act shall be paid to the state treasurer and the state treasurer shall deposit such money to the credit of the fund for the maintenance of the state laboratory, to be drawn against by warrants of the state controller upon claims which shall be approved by the state board of examiners.

Sec. 21. No dealer shall be prosecuted under the provisions of this act, when he can establish a guaranty signed by the wholesaler, jobber, manufacturer or other party residing in the United States from whom he purchased such article to the effect, that the same is not adulterated or misbranded within the meaning of this act, designating it. Said guaranty to afford proptection, must contain the name and address of the party or parties making the sales of such article to said dealer, and an itemized statement showing the articles purchased; or a general guaranty may be filed with the Secretary of the United States Department of Agriculture by the manufacturer, wholesaler, jobber or other party in the United States and be given a serial number, which number shall appear on each and every package of goods sold under such guaranty with the words guaranteed under the food and drugs act, June 30, 1906. In case the wholesaler, jobber, manufacturer or other party making such guaranty to said dealer resides without this state, and it appears from the certificate of the director of the state laboratory that such article or articles were adulterated or misbranded, within the meaning of this act, or the national pure food act, approved June 30, 1906, the district attorney must forthwith notify the attorney-general of the United States of such violation.

Sec. 22. This act shall be in force and effect from and after the first day of January, nineteen hundred and eight.

California Pharmacy Law.

AN ACT TO REGULATE THE PRACTICE OF PHARMACY IN THE STATE OF CALIFORNIA, AND TO PROVIDE A PENALTY FOR THE VIOLATION THEREOF; AND FOR THE APPOINTMENT OF A BOARD TO TO BE KNOWN AS THE CALIFORNIA STATE BOARD OF PHARMACY.

The people of the State of California, represented in senate and assembly, do enact as follows:

Section 1. From and after the passage of this act it shall be unlawful for any person to manufacture, compound, sell, or dispense any drug, poison, medicine or chemical, or to dispense or compound any prescription of a medical practitioner, unless such person be a registered pharmacist or a registered assistant pharmacist within the meaning of this act, except as hereinafter provided. Every store, dispensary, pharmacy, laboratory or office for the sale, dispensing or compounding of drugs, medicines or chemicals, or for the dispensing of prescriptions of medical practitioners, shall be in charge of a regular pharmacist. A registered assistant pharmacist may be left in charge of a store, dispensary, pharmacy, laboratory or office for the sale, dispensing or compounding of drugs, medicines or chemicals or for the dispensing of prescriptions of medical practitioners only during the temporary absence of the registered pharmacist. Temporary absence within the meaning of this act shall be held to be only those unavoidable absences which may occur during a day's work, and when the registered pharmacist in charge shall be within immediate call, ready and able to assume the direct supervision of said pharmacy. No registered assistant shall conduct a pharmacy. Every store or shop where drugs, medicines or chemicals are dispensed or sold at retail, or displayed for sale at retail, or where prescriptions are compounded, which has upon it or in it as a sign the words "pharmacist," "pharmaceutical chemist," "apothecary," "druggist," "pharmacy," "drugstore," "drugs," or any of these words, or the characteristic showbottles or globes, either colored or filled with colored liquids, shall be deemed a "pharmacy" within the meaning of this act.

Sec. 2. Any person in order to be a registered pharmacist must be a licentiate in pharmacy, or a practicing pharmacist.

Sec. 3. Licentiates in pharmacy are persons who have had five years' experience in stores where the prescriptions of medical practitioners are compounded, and shall have passed an examination before the state board of pharmacy, or who shall present satisfactory evidence to the said board that they have had twenty years' actual experience in the practice of pharmacy; **provided,** that graduates from a reputable college of pharmacy may be registered after eighteen years of like experience Practicing pharmacists are persons, who at the passage of this act, are registered as such, and who shall have on or before the first day of January next succeeding the passage of this act paid to the board of pharmacy of this state all moneys due for

renewal of registration as required by the acts of the legislature regulating the practice of pharmacy in the State of California, approved March 11th, 1891, and March 15th, 1901.

Sec. 4. Registered assistant pharmacists are persons who at the time of the passage of this act are already registered as such, and who shall have on or before the first day of January next succeeding the passage of this act paid to the board of pharmacy of this state all moneys due for renewal of registration as required by the acts of the legislature regulating the practice of pharmacy in the State of California, approved March 11th, 1891, and March 15th, 1901; **provided,** that no person shall be examined or registered as a licentiate, unless such person has had five years' pharmaceutical experience in a pharmacy under the supervision of a registered pharmacist; **and provided further,** that no person shall be examined or registered as an assistant pharmacist from and after the passage of this act, unless such person shall be not less than eighteen years of age and has had not less than three years' instruction and experience in a pharmacy, under a registered pharmacist; or has been registered as an apprentice as provided in section 15 of this act for not less than three years; **and provided further,** that an applicant for registration as an assistant pharmacist must first pass a satisfactory examination before the board of pharmacy.

Sec. 5. The governor shall appoint seven competent registered pharmacists, residing in different parts of the state, to serve as a board of pharmacy. The members of the board shall, within thirty (30) days after their appointment, individually take and subscribe before the county clerk, in the county in which they individually reside, an oath faithfully and impartially to discharge the duties prescribed by this act. They shall hold office for the term of four (4) years, and until their successors are appointed and have qualified. In case of vacancy in the board of pharmacy, the governor shall fill the same by appointing a member to serve for the remainder of the term only. The office of the board shall be located in San Francisco. The board shall organize by electing a president, a secretary, and a treasurer. The secretary may or may not be a member of the board as the board in its sound discretion shall determine. The secretary and treasurer shall each give a satisfactory bond running to the board of pharmacy in a sum of not less than two thousand dollars, and such greater sum as the board may from time to time, require for the faithful discharge of their respective duties.

Sec. 6. It shall be the duty of the secretary to keep a book of registration open at the city of San Francisco, in which shall be entered under the supervision of the board, the names, titles, qualifications, and places of business of all persons coming under the provisions of this act. The secretary shall give receipts for all moneys received by him and pay the same to the treasurer of the board, taking his receipt for the same. The treasurer shall disburse the same by order of the board for necessary expenses, taking proper vouchers therefor. The balance of said money, after paying the expenses of the board, he shall pay to the state treasurer, who shall keep it in a special fund to be used in carrying out the provisions of this act. It shall be the duty of the secretary of the board to erase from the register the name of any registered pharmacist or assistant pharmacist who has died, or who in the opinion of the board has forfeited his right under the law to do business in this state. Besides the duties required by this act, it shall be the

duty of the secretary to perform such other reasonable duties appertaining to his office, as may be required of him by the board of pharmacy. The secretary shall receive such compensation as may be fixed by the board of pharmacy, if he be a member of the board, then such compensation shall be in addition to his per diem as a member of said board.

Sec. 7. Four members of the board shall constitute a quorum. They shall hold a meeting at least once in every four months.

Powers and Duties of Board.

Subdivision 1. The state board of pharmacy shall have power:

(a) To make such by-laws and regulations not inconsistent with the laws of this state, as may be necessary for the protection of the public, appertaining to the practice of pharmacy and the lawful performance of its duties.

(b) To regulate the practice of pharmacy.

(c) To regulate the sale of poisons.

(d) To regulate the quality of all pharmaceutical preparations and medicines dispensed or sold in this state, using the United States Pharmacopoeia or national formulary as the standard.

(e) To investigate all complaints as to the quality and strength of all pharmaceutical preparations and medicines, and to take such action as may be necessary to prevent the sale of such as do not conform to the standard and tests prescribed in the last edition of the United States Pharmacoepoeia or national formulary.

(f) To employ inspectors of pharmacy and to inspect during business hours all pharmacies, dispensaries, stores or places in which drugs, medicines or poisons are compounded, dispensed or retailed, and to cause the prosecution of all persons whenever there appears to the board to be reasonable ground for such action.

(g) To examine and register as pharmacists and assistant pharmacists all applicants it shall deem qualified to be such. All persons applying for registration, under this act, shall pay the following fees therefor to the secretary of the board of pharmacy: Every applicant for registration other than that of an apprentice, shall pay a fee of ten dollars on filing his or her application which shall be compensation to the board of pharmacy for investigation or examination of the applicant; and if the board finds that any applicant for registration ou experience and credentials is entitled to be registered, then he or she shall pay an additional fee of fifteen dollars upon the issuance of certificate of such registration; and any licentiate found by the board on examination to be entitled to a certificate shall pay an additional sum of five dollars upon issuance of certificate; all applicants for examination as assistant if found satisfactory by the board, shall be entitled to their certificate without further fee, and provided further that an applicant for registration on experience and credentials may at his or her option be examined as a licentiate without rurther fee for application

(h) In the event any person having registered shall have lost his or her certificate or the same has been destroyed or if he or she desires renewal of the same, a new certificate may be issued by said board upon the applicant paying therefor the sum of three dollars; provided, further, that where the original certificate is not lost or destroyed, then the certificate shall be

surrendered before a renewal of same shall be issued; and provided further, that the board shall have power to require satisfactory evidence from the applicant of the loss or destruction of certificate; and provided further, that where the applicant is delinquent for the annual dues required by this act then he or she shall be required to pay to said board sufficient fees to cover his delinquency in that behalf before he or she shall be entitled to a re-issue of the certificate in this subdivision provided for.

Sec. 8. No member of the board shall teach pharmacy in any of its branches, unless it be as a teacher in a public capacity and in a college of pharmacy. The members of the board of pharmacy shall each be paid the sum of eight dollars per diem for every meeting of the board which they attend, together with the necessary expenses and mileage at the rate of five cents per mile for each mile necessarily traveled. All compensation of members and all other expenses of the board shall be paid out of the examination and registration fees and fines.

Sec. 9. Every person holding a certificate from said board shall renew annually their registration with said board; and every registered pharmacist and every assistant registered pharmacist who desires to retain his registration on the books of the board of pharmacy in this state shall annually, after the expiration of the first year's registration and on or before the first day of July of each succeeding year, pay to the secretary of the board of pharmacy a renewal fee, to be fixed by the board, which shall not exceed two dollars for registered pharmacist and one dollar for assistant registered pharmacist, in return for which fee a renewal certificate of registration shall be issued. In case any person defaults in payment of said fee his or her registration may be revoked by the board of pharmacy on sixty days' notice, in writing from the secretary, unless within said time the fee is paid, together with such penalty not exceeding ten dollars, as the board may impose. Upon payment of said fee and penalty the board must reinstate the delinquent's registration. No person having received, or who may hereafter receive a certificate of registration as a pharmacist or assistant pharmacist, shall engage in business as pharmacist or assistant pharmacist, in any county in this state in which he or she shall locate, or into which he or she shall afterwards remove, until he or she shall have had such certificate recorded in the office of the county clerk of such county, and it is hereby made the duty of the county clerk to record such certificate in a book to be provided and kept for that purpose, and the county clerk is authorized to charge a fee of fifty cents for the recording of such certificate—to be paid by the person offering such certificate for record. Each pharmacist, or assistant pharmacist, and being engaged in business as a pharmacist, or assistant pharmacist, shall have such certificate recorded, as in this section provided, within thirty days after the taking effect of this act. The record of the certificate required by this section, or a certified copy thereof, shall be evidence in all courts that the person holding it was registered as evidenced by said certificate on the date of the same. Any registered pharmacist or assistant registered pharmacist failing to comply with any of the foregoing provisions shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five dollars nor more than twenty-five dollars. Upon the certificate being recorded as herein provided, it shall

be the duty of the county clerk to notify the secretary of the board of pharmacy of the name of the party and the date of such record.

Sec. 10. Every person upon receiving a certificate of registration under this act, or who has heretofore received a certificate of registration in this state, shall keep his last receipt for re-registration, conspicuously exposed in his place of business. Every registered pharmacist, and assistant pharmacist, shall within thirty days after the changing of his place of business as designated on the books of the board of pharmacy, notify the secretary of the board of his new place of business, and upon receipt of said notification, the secretary shall make the necessary change in his register.

Sec. 11. Every proprietor or manager of a pharmacy or drug-store shall be held responsible for the quality of all drugs, chemicals and medicines sold or dispensed by him, except those sold in the original package of the manufacturer, and except those articles or preparations known as patent or proprietary medicines. Any person who shall knowingly, wilfully, or fraudulently, falsify, or adulterate or cause to be falsified or adulterated, any drug or medicinal substance, or any preparation authorized or recognized by the pharmacopoeia of the United States, or used, or intended to be used in medical practice, or shall mix, or cause to be mixed, with any such drug or medicinal substance, any foreign or inert substance whatever, for the purpose of destroying or weakening its medicinal power and effect, or the lessening of its cost, and shall wilfully, knowingly, or fraudulently sell the same, or cause it to be sold, for medicinal purposes, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty dollars, and not more than two hundred dollars, or by imprisonment for not less than fifty days and not more than two hundred days, or by both such fine and imprisonment. Every registered pharmacist shall file, or cause to be filed, all physicians' prescriptions, or a copy thereof, compounded or dispensed in his pharmacy or store. They shall be preserved for at least two years, and he shall furnish a correct copy of any prescription, only under the order or request of the physician writing the same. Any person who shall wilfully violate any of these provisions shall be guilty of a misdemeanor and upon conviction thereof shall be liable to a fine not exceeding fifty dollars, and for each subsequent offense shall be liable to a fine of not less than fifty dollars, and not more than one hundred dollars. The state board of pharmacy may at any time when in their judgment it appears advisable, deputize one of their members, or any other competent person to investigate any suspected violation of any of the provisions of this act and if the result of such investigation seems to the board to justify such action, the board shall cause the prosecution of any person violating any of the provisions of this act.

Sec. 12. Any person who shall attempt to secure, or secures, registration for himself or any other person under this act by by making or causing to be made any false representations, or who shall fraudulently represent himself to be registered shall be deemed guilty of a misdemeanor and upon conviction thereof shall be liable to punishment by a fine not exceeding one hundred dollars, or by imprisonment for a term not exceeding fifty days, or by both such fine and imprisonment. Any person who shall permit the compounding of prescriptions of medical practitioners, or the selling of drugs and medicines, in his or her store or pharmacy, except under the direct, immediate

and personal supervision of a registered pharmacist, or any person violating any of the provisions of this act, when no other penalty is provided, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be liable to punishment by a fine of not less than twenty dollars, and not more than one hundred dollars, or by imprisonment of not exceeding fifty days, or by both such fine and imprisonment. All fines recoverable under this act shall be paid by the magistrate receiving the same to the state board of pharmacy. Any person convicted of violating the provisions of this act the third time shall in addition to the penalties hereinbefore mentioned have his or her registration as a pharmacist canceled. Nothing in this act shall apply to or interfere with any practitioner of medicine who is duly registered as such by the state board of medical examiners of this state with supplying his own patients, as their physician, and by them employed as such, with such remedies as he may desire and who does not keep a pharmacy, open shop, or drug store, advertised or otherwise for the retailing of medicines or poisons, nor does this act apply to the exclusively wholesale business of any dealer. Nor does this act apply to registered, trademarked or copyrighted proprietary medicines, registered in the United States patent office nor to the sale of proprietary medicines, when manufactured under the supervision of a registered pharmacist in the State of California for which trade marks may have been filed with the Secretary of State of California, by merchants possessing a license issued by the Board of Pharmacy as described in Section Sixteen of this act.

Sec. 13. Any proprietor of a pharmacy, who not being a registered pharmacist, shall fail or neglect to place in charge of such pharmacy a registered pharmacist, or any such proprietor who shall by himself, or any other person, permit the compounding of prescriptions, or the vending of drugs, medicines, or poisons, in his or her store or place of business, except by or in the presence and under the direct, immediate and personal supervision of a registered pharmacist, or any person, not being a registered pharmacist, who shall take charge of or act as manager of such pharmacy, or store, or who, not being a registered pharmacist, retails, compounds, or dispenses drugs, medicines, or poisons, shall be guilty of a misdemeanor, and upon conviction thereof shall be liable to a fine of not less than twenty dollars, and not more than one hundred dollars, or by imprisonment for a term of not exceeding fifty days, or by both such fine and imprisonment.

Sec. 14. Any member of the board of pharmacy or inspector duly authorized by said board may examine applicants orally or in writing, and issue a temporary certificate to practice pharmacy which shall authorize such practice for a period of four months only from its date. The issuance of such temporary certificate shall not entitle the holder thereof to a permanent certificate, and no permanent certificate shall be issued to such holder until he passes a satisfactory examination by the board. Only one temporary certificate shall ever be issued to the same applicant, and no temporary certificate shall be granted to any person whose application has been denied by the board. The member or authorized inspector conducting such examination as herein set forth shall be entitled to charge and receive the sum of three dollars for such certificate, said moneys to be paid to the secretary of the board of pharmacy.

Sec. 15. It shall be the duty of all registered pharmacists who take into their employ an apprentice, whose purpose it is to become a pharmacist, to report to the board of pharmacy such facts regarding his schooling and pre-

liminary qualifications as the board of pharmacy may require for the purpose of registration as an apprentice. The board of pharmacy shall adopt a standard of qualifications regarding schooling and preliminary qualifications for all persons desiring to be registered as apprentices, as provided for in this section. The pharmaceutical experience of every apprentice shall, after the passage of this act, be deemed to begin on the date on which he began the study of pharmacy, and such date shall be inserted in the certificate of registration of said apprentice; provided the preliminary qualifications have been found satisfactory by the board. Sworn testimony shall be furnished the board upon which they shall determine the date as aforesaid. The date so determined and entered as aforesaid shall be deemed to be the beginning of the applicant's pharmaceutical experience for the purpose of this act; provided, that the students matriculating and attending any reputable college of pharmacy shall be registered as apprentices upon such fact being shown. The board shall keep a register for the registration of apprentices and furnish upon application proper blanks for this purpose. No apprentice shall be permitted to sell drugs, medicines, or poisons, or compound prescriptions except under the direct, immediate and personal supervision of a registered pharmacist. No registered apprentice shall ever be left in charge of a pharmacy. No applicant for registration as an apprentice shall be registered as such if such applicant has had more than three years' experience in a pharmacy, but must apply for registration as assistant pharmacist.

Sec. 16. The board of pharmacy may in its discretion issue a permit to general dealers in rural districts, in which the conditions, in their judgment, do not justify the employment of a registered pharmacist, and where the store of such general dealer is not less than two miles distant from the store of a registered pharmacist; which said permit shall authorize the person or firm named therein to sell such ordinary drugs and ordinary household remedies and in such manner and form as the board may from time to time specify, in said locality, but not elsewhere, under such restrictions and regulations as said board may from time to time adopt. The board shall charge an annual fee of twelve dollars in advance, for such permit, and it shall be unlawful for any dealer to sell any drugs or ordinary household remedies without complying with the requirements of this section.

Whenever a registered pharmacist shall establish a pharmacy within two miles, by the shortest road, from the place of business of such general dealer, no further license shall be granted, and the license already issued shall be void; and the board of pharmacy shall refund to said general dealer the proper proportion of the unexpired license fee paid to the board of pharmacy.

Sec. 17. It shall be the duty of the board of pharmacy, by resolution, at least annually to request of the chief of police, marshal or constable of every city, town or township in this state, to furnish a list of all drug stores, together with the names of the owners, managers, and all employees in said stores, and a brief statement of the capacity in which said persons are employed in said stores, and also the firm name of all stores retailing drugs, medicines or poisons. Upon such request in writing, it shall be the duty of the chief of police, marshal, or constable of said city, town or township to require the patrolmen or deputies under their command, upon their respective beats, to obtain such lists as are in this section specified, and deliver the same to the board of pharmacy. It shall be the duty of the owner or manager of any drug store or other store

retailing drugs, medicines or poisons, when called upon by an officer as above set forth, or by a member of the board of pharmacy, or a duly authorized inspector, to furnish said officer, member of the board of pharmacy or duly authorized inspector with the information required. Any person refusing to furnish the information, or wilfully furnishing information that is false or untrue shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty dollars nor more than fifty dollars, or by imprisonment for not less than ten days and not more than thirty-five days, or by both such fine and imprisonment.

Sec. 18. The several penalties prescribed in this act may be recovered in any court having jurisdiction, by a civil action instituted by the board of pharmacy, in the name of the State of California, or by criminal prosecution upon complaint being made; and it shall be the duty of the district attorney of the county wherein violations of the provisions of this act occur, to conduct all such actions and prosecutions at the request of the board.

Sec. 19. All persons registered under this act shall be exempt and free from jury duty.

California Poison Law.

AN ACT TO REGULATE THE SALE OF POISONS IN THE STATE OF CALIFORNIA AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF.

The people of the State of California, represented in senate and assembly, do enact as follows:

Section 1. It shall be unlawful for any person to vend, sell, give away or furnish either directly or indirectly, any poisons enumerated in schedule "A" or in Sections 8 and 9 as hereinafter set forth in this act, without labeling the package, box, bottle or paper in which said poison is contained, with the name of the article, the word "Poison" and the name and place of business of the person furnishing the same. Said label shall be substantially in the form hereinafter provided. It shall be unlawful to sell or deliver any of the poisons named in schedule "A" or any other dangerously poisonous drug, chemical, or medicinal substance, which may from time to time be designated by the state board of pharmacy of California, unless on inquiry it is found that the person desiring the same is aware of its poisonous character, and it satisfactorily appears that it is to be used for a legitimate purpose. It shall be unlawful for any person to give a fictitious name or make any false representations to the seller or dealer when buying any of the poisons thus enumerated. Printed notice of all such additions to the schedule of poisons named and provided for in this section, and the antidote adopted by the board of pharmacy for such poisons, shall be given to all registered pharmacists with the next following renewal of their certificates. It shall be unlawful to sell or deliver any poison included in schedule "A" or the additions thereto, without making, or causing to be made, an entry in a book kept solely for that purpose, stating the date and hour of sale, and the name, address, and signature of the purchaser, the name and quantity of the poison sold, the statement by the purchaser of the purpose for which it is required, and the name of the dispenser, who must be a duly registered pharmacist.

Said book shall be in form substantially as follows:

Date and Hour.	Name of Purchaser.	Residence.	Kind and Quantity.	Purpose of Use.	Signature of Druggist.	Signature of Purchaser.

This book shall always be open for inspection by the proper authorities, and shall be preserved for at least five (5) years after the date of the last entry therein.

Section 2. The label required by this act, to be placed on all packages of poison, shall be printed upon red paper in distinct white letters, or in distinct red letters upon white paper, and shall contain the word "poison," the "vignette" representing the skull and cross-bones, and the name and address of the person

or firm selling the same The name of an antidote if any there be for the poison sold, shall also be upon the package. No poison shall be sold or delivered to any person who is less than eighteen years of age.

Section 3. It shall be the duty of the state board of pharmacy to adopt a schedule of what in their judgment are the most suitable common antidotes for the various poisons usually sold. After the board has adopted the schedule of antidotes as herein provided for, they shall have the same printed and shall forward by mail one copy to each person registered upon their books, and to any other person applying for the same. The particular antidote adopted (and no other) shall appear on the poison label, provided for in Section 2 of this act, or be attached to the package containing said poison. The board shall have power to revise and amend the list of antidotes from time to time, as to them may seem advisable. The entries in the poison book and the printed or written matter provided for in Section 2 and 3 of this act, shall be in the English language, **provided,** that the vendor of said poison may enter the same in any foreign language he may desire, in addition to said entry and label in English.

Section 4. When in the opinion of the state board of pharmacy, it is in the interest of the public health, they are hereby empowered to further restrict, or prohibit the retail sale of any poison by rules, not inconsistent with the provisions of this act, by them to be adopted, and which rules must be applicable to all persons alike. It shall be the duty of the board, upon request, to furnish any dealer with a list of all articles, preparations and compounds, the sale of which is prohibited or regulated by this act.

Section 5. Wholesale dealers and pharmacists shall affix or cause to be affixed to every bottle, box, parcel or other enclosure of an original package containing any of the articles named in schedule "A" the additions thereto, or in sections 8 and 9 of this act, a suitable label, or brand with the word "poison," but they are hereby exempted from the registration of the sale of such articles when sold at wholesale to a registered pharmacist, physician, dentist or veterinary surgeon duly licensed to practise in the state; **provided,** that the provisions of this act shall not apply to the sale of such upon the prescriptions of practising physicians, dentists or veterinary surgeons who are duly licensed to practise in this state.

Section 6. It is hereby made the duty of the district attorney of the county wherein any violation of this act is committed, to conduct all actions and prosecutions for the same, at the request of the board of pharmacy.

Section 7. Any person violating any of the provisions of this act, shall be guilty of a misdemeanor and upon conviction of the same shall be punished by a fine of not less than thirty dollars, or by imprisonment for not less than fifteen days, or by both such fine and imprisonment. All fines recovered under this act, shall be paid by the magistrate receiving the same, to the state board of pharmacy.

SCHEDULE "A."

Arsenic, its compounds and preparations, chloroform, carbolic acid, chloral hydrate, corrosive sublimate and other poisonous derivatives of mercury, corrosive sublimate tablets, and antiseptic tablets, containing corrosive sublimate, cyanide of potassium, essential oil of bitter almonds, ether, hydrocyanic acid, lysol, oils of croton, rue, savin, and tansy, phosphorus and its poisonous derivatives, strophanthus, tartar emetic, and other poisonous derivatives and prepara-

tions of antimony, aconite, belladonna, nux vomica, veratum viride, yellow jessamine, their alkaloids or other preparations, ergot, cotton root, and their preparations

Section 8. The sale of morphine, codeine, heroin, opium and cocaine, their salts, compounds or preparations is hereby prohibited, unless upon the prescription of a physician, dentist or veterinary surgeon, licensed to practise in this state, except preparations of opium containing less than two grains of opium to the fluid ounce.

Section 9. The drugs hereinafter named may be sold, without registration in the poison book as in this act required; **provided, however,** that in all other respects the requirements of this act as to the sale of poisons must be complied with.

Acid muriatic, nitric, oxalic and sulphuric, bromine, cocculus indicus, conium, cowhage, creosote, hyocyamus, Indian hemp, iodine and its tinctures, nitro-glycerine and its preparations, pennyroyal, santonine, sugar of lead, sulphate of zinc, cantharides, digitalis, wood alcohol.

Section 10. All acts and parts of acts in conflict with this act are hereby repealed.